



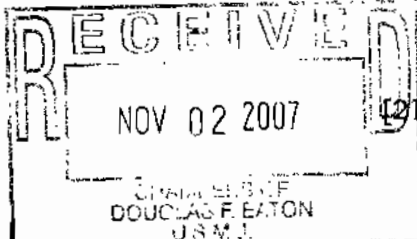
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

MEMO ENDORSED

ANDREW M. CUOMO
Attorney General

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau



November 2, 2007

By Fax: 212-805-6181
Honorable Douglas F. Eaton
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

11/2/07 - I grant this
enlargement of time to defendant
Ercole and to any other
defendants who may be
served.
Douglas F. Eaton

Re: Hofelich v. Ercole, et. al., 07 CV ~~8009~~ (PKC)(DFE)
5889_u

Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of defendant Superintendent R. Ercole to respectfully request a forty-five (45) day enlargement of time to answer, move or otherwise respond to the Complaint from November 7, 2007 until December 21, 2007. On information and belief, plaintiff has yet to serve defendants Williams, Carter and Henn, and, therefore, they have not yet requested representation from this office.

An extension of time is necessary to afford plaintiff the opportunity to serve the remaining defendants. Once all the defendants have been served, additional time is needed to investigate the facts alleged in the complaint, obtain the necessary documents, and prepare an appropriate response on behalf of defendant Ercole. I note that by making this request on behalf of defendant Ercole, I am not waiving any possible defenses that he or the other defendants not yet served may have, including the lack of personal jurisdiction.

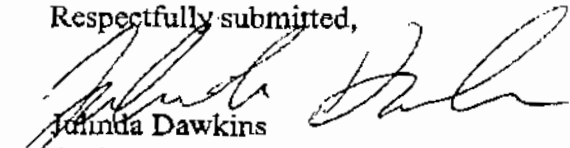
I did not request the consent of incarcerated plaintiff pro se to extend defendant Ercole's time to respond to the complaint because I wanted to make this request on behalf of the

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defendant forthwith. No previous requests for an extension of time to move or answer have been made.

Accordingly, I request that defendant's time to respond to the complaint be enlarged to December 21, 2007. I thank the Court for its consideration in this matter.

Respectfully submitted,



Junda Dawkins
Assistant Attorney General

cc: Jason Hofelich
Plaintiff Pro Se
DIN #: 01-A-5996
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902-0500